

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Criminal Action No. 1:20-cr-143
)	
ZACKARY ELLIS SANDERS,)	
Defendant.)	

ORDER

This matter is before the Court on Defendant Zackary Sanders' Motion to Continue (Dkt. 116). Defendant's two-page motion asserts only two grounds in support of a continuance: (i) additional time is required for defense counsel to explore plea negotiations and advise defendant and (ii) defense counsel has not prepared for trial because they wanted to avoid expense while their Motions to Suppress were pending. These grounds are woefully insufficient to support the issuance of a continuance. Lack of diligence by defendant does not warrant granting a continuance. *See United States v. Vincent*, 416 F.3d 593, 599 (7th Cir. 2005). Moreover, under the Speedy Trial Act, the right to a speedy trial is held by both the defendant and the public. *See* 18 U.S. Code § 3161(h)(7)(A). Defendant fails to take into account the public's interest in a speedy trial or to provide adequate grounds for the Court to make the findings required for a continuance.

The current trial date—November 17, 2020—was agreed upon by both parties at the time of the arraignment and is within the speedy trial deadline. Defendant was arrested on March 20, 2020. Current defense counsel entered notice of appearance on April 7, 2020. Defendant was indicted on June 24, 2020 and arraigned on July 10, 2020, when the November trial date was set. Defense counsel has had months to prepare. Three weeks remain for counsel to pursue plea negotiations and prepare for trial. Providing no explanation for how that time is insufficient, defendant requests a trial date in January or February 2021. The Court is unavailable in January or


February due to scheduled criminal trials.¹ Therefore, a continuance would require delaying the trial for at least three months. Defendant has provided no persuasive reason to grant such a continuance.

Accordingly,

It is hereby **ORDERED** that defendant's Motion to Continue (Dkt. 116) is **DENIED**.

The Clerk is directed to provide a copy of this Order to all counsel of record.

Alexandria, Virginia
October 29, 2020



/s/
T. S. Ellis, III
United States District Judge

¹ See *United States v. Quinones*, No. 1:20-cr-199 (E.D. Va) (trial scheduled for January 12, 2020); *United States v. Dallmann*, No. 1:19-cr-253 (E.D. Va) (trial scheduled for January 19, 2021); *United States v. Boice*, No. 1:20-cr-167 (E.D. Va) (trial scheduled for February 2, 2021); *United States v. Forbes*, No. 1:19-cr-260 (E.D. Va) (trial scheduled for February 23, 2021).